



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,237	09/21/2001	Andreas Herkersdorf	CH9-2000-0019US1(590.082)	5867

35195 7590 11/15/2004

FERENCE & ASSOCIATES  
400 BROAD STREET  
PITTSBURGH, PA 15143

EXAMINER

VU, THONG H

ART UNIT PAPER NUMBER

2142

DATE MAILED: 11/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/960,237

Applicant(s)

HERKERSDORF ET AL.

Examiner

Thong H Vu

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 September 2001 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

1. Claims 1-16 are pending.

***Claim Rejections - 35 USC § 112***

2. Claims 1,15,16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It was unclear that what machine (server, router, other client machine) composing a request message. In abstract, applicant indicates a server receives a message from client machine and setting up forwarding rules which contradict to claim 6 discloses the router configured to setting up forwarding rules. Examiner consider the server and router as one machine.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-8,10-16 are rejected under 35 U.S.C. § 102(e) as being anticipated by Wecker et al [Wecker 6,256,614 B1].
4. As per claim 1, Wecker discloses a method for handling interactive information exchange through networks having a plurality of client machines, the method comprising the steps of:

composing a request message offering predetermined response options (i.e.: a survey), whereby corresponding response messages are returned through said networks in one (or more) packet(s) [Wecker, survey questions, abstract];

setting up packet forwarding rules (i.e.: filters) in said networks specifying a particular treatment for said returned packets dependent on said predetermined response options [Wecker, Form filter, software filter, col 7lines 47-67; col 8 lines 1-21];

sending said request message to said subset of client machines [Wecker, distribution through Internet, col 9 lines 40-60].

5. As per claim 2, Wecker discloses an initial step of receiving a subscription message from a subset of said client machines [Wecker, response from the consumer, col 7lines 47-67].

6. As per claim 3, Wecker discloses said request message is composed in that said corresponding response message only consists of one packet as a design choice of the response option.

7. As per claim 4, Wecker discloses said request message is composed in a way that said chosen predetermined response options is encoded in a data portion of said respective response packet [Wecker, a secure Internet server, col 9 lines 14-24].

8. As per claim 5, Wecker discloses said request message is composed in a hypertext document format [Wecker, HTML, col 5 lines 8-10] and a program that can be executed on the client machines and composes said response messages upon an interaction of a user of a client machine [Wecker, survey questions, abstract].
9. As per claim 6, Wecker discloses setting up forwarding rules includes the step of configuring one or more routers (i.e.: a secure server or firewall) that forward said response packets [Wecker, secure server, col 9 lines 14-24].
10. As per claim 7, Wecker discloses configuring said routers includes the step of instructing said routers to discard response messages containing predetermined response options as inherent feature of filter or secure server.
11. As per claim 8, Wecker discloses configuring said routers includes the step of instructing said routers to forward response messages containing a certain response option to a specified host connected to one of said networks as inherent feature of filter.
12. As per claim 10, Wecker discloses configuring said routers includes the step of instructing at least one of said routers to store the selected option of said response options in conjunction with the identity of the sender as inherent feature of filter or secure server.

Art Unit: 2142

13. As per claim 11, Wecker discloses configuring said routers includes the step of instructing at least one of said routers to determine the amount of received response messages for each response option as inherent feature of filters or secure server.

14. As per claim 12, Wecker discloses the steps of receiving response messages and sending a second request message only to client machines from which a response message containing a certain response option was received.

15. As per claim 13, Wecker discloses the steps of receiving response messages and storing the options chosen grouped by said sending client machines.

16. As per claim 14 Wecker discloses a computer program product stored on a computer usable medium [Wecker, Form filter, software filter, col 7 lines 47-67; col 8 lines 1-21].

17. Claims 15,16 contain the similar limitations set forth of claim 1. Therefore, claims 15,16 are rejected for the similar rationale set forth in claim 1.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 2142

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claim 9 is rejected under 35 U.S.C. § 103 as being unpatentable over Wecker et al [Wecker 6,256,614 B1] in view of Cankaya et al [Cankaya 6,661,789 B1].

19. As per claim 9, Wecker discloses configuring said routers or secure server [Wecker secure server, col 9 lines 14-24]. However Wecker does not detail said routers combine more than one response messages arriving in a given time frame and to forward the combined messages as one message.

A skilled artisan would have motivation to improve the router process and found Cankaya teaching. Cankaya discloses a router with single multicast burst included one or more multicast data packets assembled in the same time interval [Cankaya, col 9 lines 7-25].

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the technique of combine the multicast packets or message into a single multicast burst in a given time frame as taught by Cankaya into the Wecker's apparatus in order to utilize the filter and forward processes on the secure server. Doing so would provide more efficient to distribute the information over Internet.

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 2142

\* USP 5,892,903. A method and apparatus for detecting and identifying security vulnerable in an open network includes a router with the message rules, the main option menu and the user selects the display option.

\* USP 6,769,067 B1]. A method and system for network communication control and security which broadcasts the encoded message and provides the recipient a selections of control options.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Thong Vu, whose telephone number is (571)-272-3904.

The examiner can normally be reached on Monday-Thursday from 7:00AM- 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Jack Harvey*, can be reached at (571) 272-3896.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9700.

Any response to this action should be mailed to: Commissioner of Patent and Trademarks, Washington, D.C. 20231 or faxed to :

After Final (703) 746-7238

Official: (703) 746-7239

Non-Official (703) 746-7240

Hand-delivered responses should be brought to Crystal Park 11,2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

*Thong Vu*  
**Patent Examiner**  
**Art Unit 2142**

